

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Jesue Garcia v. Vesco and Associates, LLC

Garcia v. Vesco · No. 2:25-cv-02863-MAA · Decided May 20, 2025

SUMMARY

The court issued an order to show cause regarding whether to decline supplemental jurisdiction over the plaintiff’s California Unruh Civil Rights Act claim in an action also asserting an Americans with Disabilities Act claim. The court directed the plaintiff to explain why the Unruh Act claim should not be dismissed without prejudice under 28 U.S.C. § 1367(c)(4), including providing information concerning requested statutory damages and high-frequency litigant status.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Maria A. Audero
JURISDICTION	U.S. District Court for the Central District of California
DECIDED	May 20, 2025
DOCKET	2:25-cv-02863-MAA
DISPOSITION	other
PROCEDURAL POSTURE	The court issued an order to show cause during the early stage of an action asserting claims for ADA injunctive relief and statutory relief under California's Unruh Civil Rights Act.
PRECEDENTIAL VALUE	Unknown; district court civil minutes order to show cause

TOPICS

- subject matter jurisdiction
- civil procedure
- civil rights
- ada / disability

PRACTICE AREAS

- Federal civil procedure
- Supplemental jurisdiction
- Americans with Disabilities Act
- California Unruh Civil Rights Act

QUESTIONS PRESENTED

1. Whether the court had authority to exercise supplemental jurisdiction over Plaintiff's related Unruh Civil Rights Act claim.
2. Whether exceptional circumstances and federal-state comity concerns warranted declining supplemental jurisdiction over the Unruh Act claim under 28 U.S.C. § 1367(c)(4).

HOLDINGS

1. Because the Unruh Act claim was closely related to the ADA claim, the court had authority to exercise supplemental jurisdiction over it under 28 U.S.C. § 1367(a).
2. The court should consider declining supplemental jurisdiction over the Unruh Act claim because the case was at a sufficiently early stage and the systemic impact of ADA-based Unruh Act claims could create exceptional circumstances affecting federal-state comity.

KEY QUOTATIONS

“supplemental “jurisdiction ‘is a doctrine of discretion, not of plaintiff’s right,’ . . . and . . . district courts can decline to exercise jurisdiction over pendent claims for a number of valid reasons.”” (at 1)

“a federal court should consider and weigh in each case, and at every stage of the litigation, the values of judicial economy, convenience, fairness, and comity.” (at 1)

“highly unusual systemic impact on ADA-based Unruh Act cases . . . clearly threatens to have a significant adverse impact on federal-state comity.” (at 1)

FACTUAL BACKGROUND

The complaint alleges a violation of the Americans with Disabilities Act and a related claim under California's Unruh Civil Rights Act. The court noted that the action remained at a very early stage and that it had not addressed or adjudicated the merits of any claim.

PROCEDURAL HISTORY

Plaintiff filed a complaint alleging an ADA violation and a related Unruh Act claim. Before addressing the merits of any claim, the court determined that it had authority to exercise supplemental jurisdiction over the Unruh Act claim but ordered Plaintiff to show cause why that jurisdiction should not be declined under 28 U.S.C. § 1367(c)(4).

DISPOSITION

other

CASES CITED

- City of Chicago v. International College of Surgeons, 522 U.S. 156, 172-173 (1997)
- United Mine Workers of America v. Gibbs, 383 U.S. 715, 726 (1966)
- Carnegie-Mellon University v. Cohill, 484 U.S. 343, 350 (1988)

- Arroyo v. Rosas, 19 F.4th 1202, 1211, 1214 (9th Cir. 2021)
- Vo v. Choi, 49 F.4th 1167, 1172 (9th Cir. 2022)

OPINION

Jesue Garcia v. Vesco and Associates, LLC.

PER CURIAM.

CIVIL MINUTES – GENERAL

Case No.: 2:25-cv-02863-MAA Date: May 20, 2025 Title: Jesue Garcia v. Vesco and Associates, LLC, et al. Present: The Honorable MARIA A. AUDERO, United States Magistrate Judge Cindy Delgado N/A Deputy Clerk Court Reporter / Recorder Attorneys Present for Plaintiff: Attorneys Present for Defendants:

N/A N/A

Proceedings (In Chambers): Order to Show Cause The Complaint filed in this action asserts a claim for injunctive relief arising out of an alleged violation of the Americans with Disabilities Act (“ADA”), 42 U.S.C. § 12101, et seq., as well as a claim under California’s Unruh Civil Rights Act (“Unruh Act”), Cal. Civ. Code § 51. (Compl., ECF No. 1, at 4–7.) Because Plaintiff’s Unruh Act claim is closely related to his ADA claim, the Court has authority to exercise jurisdiction over the Unruh Act claim under 28 U.S.C. § 1367(a). However, supplemental “jurisdiction ‘is a doctrine of discretion, not of plaintiff’s right,’ . . . and . . . district courts can decline to exercise jurisdiction over pendent claims for a number of valid reasons.” *City of Chicago v. Int’l Coll. of Surgeons*, 522 U.S. 156, 172 (1997) (quoting *United Mine Workers of Am. v. Gibbs*, 383 U.S. 715, 726 (1966)). The supplemental jurisdiction statute “reflects the understanding that, when deciding whether to exercise supplemental jurisdiction, ‘a federal court should consider and weigh in each case, and at every stage of the litigation, the values of judicial economy, convenience, fairness, and comity.’” *Id.* at 173 (quoting *Carnegie-Mellon Univ. v. Cohill*, 484 U.S. 343, 350 (1988)). The Ninth Circuit has discussed at length California’s rules governing “construction-related accessibility claims” brought under the Unruh Act and found that the “highly unusual systemic impact on ADA-based Unruh Act cases . . . clearly threatens to have a significant adverse impact on federal-state comity.” *Arroyo v. Rosas*, 19 F.4th 1202, 1211 (9th Cir. 2021). This impact may in some cases constitute “exceptional circumstances” justifying the declination of supplemental jurisdiction under 28 U.S.C. § 1367(c)(4) (“Section 1367(c)(4)). *Vo v. Choi*, 49 F.4th 1167, 1172 (9th Cir. 2022). Declining supplemental jurisdiction on this basis must, however, be done at a sufficiently early stage of the litigation. *Vo*, 49 F.4th at 1172 (upholding district court’s dismissal of

CIVIL MINUTES – GENERAL

Case No.: 2:25-cv-02863-MAA Date: May 20, 2025 Title: Jesue Garcia v. Vesco and Associates, LLC, et al. Unruh Act claim early in case); *Arroyo*, 19 F.4th at 1214 (reversing district court’s dismissal of Unruh Act claim late in case). Like *Vo*, and unlike *Arroyo*, this case is still at a very early stage, and this Court has not yet addressed or adjudicated the merits of any of Plaintiff’s

claims. This therefore appears to be a case in which the Court should consider declining supplemental jurisdiction over Plaintiff's Unruh Act claim under Section 1367(c)(4) to protect the comity interests identified in Arroyo. Accordingly, the Court therefore orders Plaintiff to show cause in writing, within fourteen (14) days after entry of this order, why the Court should not dismiss without prejudice his Unruh Act claim under Section 1367(c)(4). Plaintiff's response must identify the amount of statutory damages plaintiff seeks to recover and must be supported by declarations, signed under penalty of perjury, providing all facts necessary for the Court to determine if Plaintiff and his counsel satisfy the definition of a "high- frequency litigant" as provided by California Civil Procedure Code sections 425.55(b)(1), (2). If Plaintiff fails to file a response within fourteen (14) days after entry of this Order, the Court will decline to exercise supplemental jurisdiction over her Unruh Act claim. IT IS SO ORDERED.